



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 388

Hearing Date: February 7, 2005

Committee On: General Affairs

Introducer(s): (Mines, Brown, Redfield)

Title: Provide for removal of unsealed wine bottles from restaurants as prescribed

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

| | | |
|---|---------------------|--|
| 7 | Yes | Senators Connealy, Cornett, Erdman, Fischer, Friend, Janssen, Wehrbein |
| 0 | No | |
| 0 | Present, not voting | |
| 1 | Absent | Senator Landis |

Proponents:

Senator Mick Mines
Jim Otto
Jim Moylan
Jim Ballard
Gregg Vanier
John Fischbach

Representing:

Introducer, District #18
Nebraska Restaurant Association
Nebraska Licensed Beverage Association
Nebraska Winery & Grape Growers Association
Venue Restaurant & Lounge
Self & Nebraska Winery & Grape Growers Association

Opponents:

Representing:

Neutral:

Simera Reynolds
Hobert B. Rupe

Representing:

Mothers Against Drunk Driving of Nebraska
Nebraska Liquor Control Commission

Summary of purpose and/or changes:

LB 388 would allow the removal of opened, but resealed and placed in a tamper-evident bag, bottles of wine that have been purchased at a restaurant with a meal.

Details

Section 1 amends §53-101, which cites the Nebraska Liquor Control Act, by adding a reference to the provisions of this bill.

Section 2 creates new language stating that certain licensed restaurants may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased a full-course meal and has consumed a portion of the bottle of such wine along with the meal. The restaurant is required to: (1) securely reseal the bottle and put in a bag from which it is visibly apparent that the resealed bottle has not been tampered with; and (2) provide the customer with a dated receipt for the resealed bottle of wine and meal.

Further states that such resealed bottle is not an open container under §60-6,211.08, Nebraska's Rules of the Road statute on open alcoholic beverage container prohibitions; and defines full-course meal as, "a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking."

Section 3 amends §60-6,211.08, relating to the prohibition of open alcoholic containers in certain motor vehicles, by adding a reference to the provisions of this bill.

Section 4 repeals the original sections.

Explanation of amendments, if any:

Committee Amendment

The committee amendment strikes original sections 1 and 2 of the bill and places the bill's new language in §53-123.04, which provides rights and duties of retail licensees. Further allows the removal of unsealed bottles of wine from farm wineries under §53-123.11.

Senator Ray Janssen, Chairperson